MEETING #43 December 5

At a Joint Meeting of the Madison County Board of Supervisors on December 5, 2007 at 7:30 p.m. in the Madison County Administrative Center Auditorium:

PRESENT: Eddie Dean, Chairman

James L. Arrington, Vice-Chairman

William L. Crigler, Member

Bob Miller, Member Clark Powers, Member

V. R. Shackelford, III, County Attorney Lisa R. Kelley, County Administrator

Chairman, Eddie Dean called the meeting to order and stated the following cases would be discussed tonight:

Case #S-12-07-59, which is a request by AC Limited Partnership for a subdivision plat to relocate a fifty foot (50') right-of-way previously approved on February 2, 2007. This fifty foot (50') right-of-way will serve Tax Map 62-17C, 17B and 17A. This property is located off Route 621 near Rochelle, zoned A-1. The final plat has been approved by the Virginia Department of Transportation and the Madison Health Department. *(Treasure Arrington will remove himself from participating in this case on behalf of the Madison County Planning Commission) *

Treasure Arrington was present to answer any questions pertaining to the aforementioned request.

After discussion, on motion of William L. Crigler, seconded by Clark Powers, the subdivision request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean Aye

James L. Arrington Stepped Down

William L. Crigler Aye Bob Miller Aye Clark Powers Aye

Case Number #S-12-07-60, which is a request by Forrest R. or Betty J.

Ross for a plat of a subdivision of land to create three (3) lots with residue off Route 604 near Haywood, zoned A-1. The lots will be served by a fifty-foot (50') right-of-way

partially on Tax Map 23-95K also owned by Forrest R. or Betty J. Ross. The final plat has been approved by the Virginia Department of Transportation and the Madison Health Department.

Bruce Parker, Surveyor, was present on behalf of the applicant to answer any questions on behalf of the applicant.

After discussion, on motion of Clark Powers, seconded by James L.

Arrington, the subdivision request is approved as recommended by the Madison County

Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number #SU-12-07-61, which is a request by Christopher J. or Teresa L. Artale for an indefinite special use permit to allow Virginia Broadband LLC to attach two (2) antennas to the existing silo for high-speed internet service. This property is located on Route 607 near Aroda and contains 19.594 acres of land, zoned A-1.

Brad Truman of Virginia Broadband LLC was present to answer any questions pertaining to tonight's request.

A question was asked whether a second lightning rod will be required, to which Brad Truman of Virginia Broadband LLC answered, "no."

Bob Miller asked who values the equipment being provided by Virginia Broadband LLC and how is said equipment shown on the tax rolls for Madison County, Virginia.

Brad Truman described the valuing process for equipment being provided by Virginia Broadband LLC and stated only the value of the original product provided to Madison County with a specific date will be utilized.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the indefinite special use permit is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye

Bob Miller Aye Clark Powers Aye

Case Number #SU-12-07-63, which is a request by Ruth T. Penn for an indefinite special use permit to allow Virginia Broadband LLC to attach two (2) antennas to the existing silo for high-speed internet service. This property is located on Route 618 near Oak Park and contains 333.682 acres of land, zoned A-1.

Brad Truman of Virginia Broadband LLC was present to answer any questions pertaining to tonight's request.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the indefinite special use permit request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean Aye
James L. Arrington Aye
William L. Crigler Aye
Bob Miller Aye
Clark Powers Aye

Case Number #SU-12-07-64, which is a request by Luella D. Lohr and A. Reid Lohr, Jr., Trustee for an indefinite special use permit to allow Virginia Broadband LLC to attach two (2) antennas to the existing silo for high-speed internet service. This property is located on Route 231 near Rochelle and contains 42.874 acres of land, zoned A-1.

Mr. Truman of Virginia Broadband LLC was present to answer any questions pertaining to tonight's request.

After discussion, on motion of William L. Crigler, seconded by James L. Arrington, the indefinite special use permit request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean Aye
James L. Arrington Aye
William L. Crigler Aye
Bob Miller Aye
Clark Powers Aye

Case Number #SU-12-07-65, which is a request by Aubrey Hawkins for an indefinite special use permit to allow Virginia Broadband LLC to attach three (3)

antennas to the existing house for high-speed internet service. This property is located on Route 607 at Elly and contains 8.481 acres of land, zoned A-1.

Mr. Truman of Virginia Broadband LLC was present to answer any questions pertaining to tonight's request. He stated this request for three (3) antennas is due to the region being located higher in the mountains of Madison County, Virginia

William L. Crigler asked about the three (3) antennas and whether two (2) will be square and one (1) small.

James L. Arrington asked V. R. Shackelford, III, County Attorney for an overview of what the County's Ordinance states about indefinite special use permits with regard to antennas being attached to homes.

V. R. Shackelford, III, County Attorney provided an overview of the contents of the County's Ordinance with regard to residential "relay stations" and any such variations – these requests will be proposed to the Madison County Planning Commission; however, the Ordinance does contain conditions with regard to commercial usage.

Lisa Kelley, County Administrator, stated during the last Workshop Meeting, the Madison County Planning Commission asked her to provide a general discussion pertaining this issue during a future Workshop Meeting.

George Beker asked if there would be any definition as to the size of the antennas that will be provided.

Chairman, Eddie Dean stated there will probably be no definitive amount noted with these particular cases but feels the request will comply with earlier demands presented by Virginia Broadband LLC in the past where there were specifics noted about the size and design of the antennas that were approved; therefore, he feels the same description would be beneficial, however, this criteria was already approved during a prior meeting.

Bob Miller stated the antennas are being attached to structures for support (i.e. silo); he stated he feels the size of the antennas is based on the size and type of structure to which it will be attached.

James L. Arrington wanted to clarify whether the indefinite special use

permit will go along with the applicant, to which V. R. Shackelford, III, County Attorney stated will be noted as a condition upon approval of the case.

After discussion, on motion of James L. Arrington, seconded by Clark Powers, the indefinite special use permit request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean Aye
James L. Arrington Aye
William L. Crigler Aye
Bob Miller Aye
Clark Powers Absent

Case Number #SP-12-07-66, which is a request by Kenneth or Debra Pennington for a site plan and soil and erosion plan for Pennington Nursery & Gifts for a turning lane to Route 29, an entrance onto Route 621, a gravel lot for additional parking, a shade house for plant storage and the future addition of four (4) greenhouses. This property is located on Routes 29 Northbound Land and Route 621 near Shelby and contains 3.567 acres of land, zoned Conditional Business, B-1. The site plan and erosion & soil plan has been approved by the Virginia Department of Transportation, the Madison Health Department and from Richard Jacobs of the Culpeper Soil & Water Conservation District.

Ken Pennington was present to answer any questions pertaining to tonight's request.

Bob Miller stated that a de-acceleration lane has already been put into place; therefore, he asked what was the intent of the additional turning lane that is being requested, to which Ken Pennington stated a turning lane is being requested.

Bob Miller also verbalized concerns regarding the additional greenhouses and parking spaces that are being requested; he also commented on the sloping at one side of the property.

Ken Pennington stated the parking will be to the backside of the property.

After discussion, on motion of Clark Powers, seconded by James L.

Arrington, the site plan and soil and erosion plan request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean Aye James L. Arrington Aye William L. Crigler Aye Bob Miller Aye Clark Powers Aye

Case Number #S-12-07-67, which is a request by Allen W. or Sharon P. Merryman and E. Paul or Nancy L.G. Williams for a subdivision plat to relocate a fifty foot (50') right-of-way previously approved on January 3, 2007. The fifty foot (50') right-of-way serves Tax Map 50-41C (owned by Allen W. or Sharon P. Merryman) and Tax Map 50-41 (owned by E. Paul or Nancy L. G. Williams). This property is located off Route 709 near Aroda, zoned A-1. The final plat has been approved by the Virginia Department of Transportation and the Madison Health Department.

Allen Merryman was present to answer any questions pertaining to tonight's request.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the subdivision request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean Aye
James L. Arrington Aye
William L. Crigler Aye
Bob Miller Aye
Clark Powers Aye

Rodney Lillard stated the Madison County Planning Commission will have to discuss two (2) previous cases (Case # SU-10-07-48 Poole Holdings LP and Case #SP-10-07-49 Poole Holdings LP) that have been requested to be tabled until the February 2008 meeting.

V. R. Shackelford, III, County Attorney stated that after review of Madison County's Ordinances with regard to an indefinite special use permit and site plan, the applicant is not in violation with said request to table both cases.

Rodney Lillard stated the Madison County Planning Commission will also need to discuss criteria regarding bylaws for a Nominating Committee – there are two (2) members who are leaving the Committee and cannot be reappointed (Treasure Arrington and James Ballard); therefore, he is requesting that Treasure Arrington, James Ballard and Mary Breeden to be designated as the Nominating Committee to nominate a Chairman and Vice-Chairman of the Madison County Planning Commission for 2008.

Rodney Lillard stated the second item of business will involve the Workshop Meeting – he stated this meeting has generally not been held in the month of December but there will be an additional week this year prior to Christmas and a professor at the University of Virginia would like to make a presentation to the Madison County Planning Commission at that time.

Lisa Kelley, County Administrator, advised the Professor has agreed to attend the Workshop Session in January if there will not be one held in December 2007.

After discussion, members of the Madison County Planning Commission decided to move forward and schedule a Workshop Meeting during the month of December 2007.

Chairman, Eddie Dean stated this concludes the action required for all cases and requested a three-minute recess.

Chairman, Eddie Dean stated the December Board Workshop session is scheduled for December 27, 2007 and recommended the session be cancelled.

After discussion, on motion of Clark Powers, seconded by James L. Arrington, the Board cancelled the normally scheduled Board Workshop set for December 27, 2007, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Chairman, Eddie Dean asked Lisa Kelley, County Administrator to post the cancellation for the public.

Chairman, Eddie Dean stated there are two (2) citizens who have asked to be representatives on the newly formulated Finance Committee; Mr. Carlyle Weaver and Mr. Jess Sweely have expressed an interesting in becoming involved – Carlyle Weaver attended today's meeting and expressed a strong desire to be appointed.

After discussion, on motion of James L. Arrington, seconded by Clark Powers, the Board authorized the appointment of Carlyle Weaver and Jess Sweely to the Finance Committee, with the following vote recorded:

Eddie Dean Aye James L. Arrington Aye William L. Crigler Aye Bob Miller Aye Clark Powers Aye

Chairman, Eddie Dean asked Lisa Kelley, County Administrator to extend this information onto the newly appointed members and also to the existing members of the Finance Committee.

Chairman, Eddie Dean verbalized comments pertaining to the Procurement Policy and Personnel Policy and advised both documents will be discussed at the Regular Board Meeting on Tuesday, December 11, 2007.

Chairman, Eddie Dean also advised that discussion will be presented on the Criglersville Elementary School during the Regular Board Meeting on Tuesday, December 11, 2007 – he advised all Board members to review all documents and be ready to make a decision if necessary and also asked if there was anything that needed to be discussed in tonight's meeting regarding the aforementioned topic.

William L. Crigler suggested the Board come with suggestions/requirements instead of simply adopting what is presented by the Committee

Bob Miller stated that he agrees with the aforementioned concept and verbalized additional comments regarding the concept – he stated he feels the Board is on the right track by continuing to move forward with the two (2) options that have been presented:

- 1. Standing purchase offer, or:
- 2. Marketing offer

William L. Crigler verbalized concerns as to how the County would go about attaining multiple realtors to market the property - there have been two (2) realtors who have offered to market the property at no charge; however, he asked for clarification as to how the procedure works.

Chairman, Eddie Dean stated he believed properties can also be advertised as an "open listing." Additionally, realtors generally work with two (2) different parts of any listing (i.e. listing/sales) and he stated he feels the individuals who have offered to market the property will probably not charge the County any listing fees as they stand to make a profit on the marketing offer.

Lisa Kelley, County Administrator advised if the County plans to work with one (1) individual, the proposal process will need to be utilized – the realtor will make a profit somewhere during the process (i.e. from the County or a private source); she stated she has not gotten to the proposal process and will also need to determine who (i.e. local real estate firms in Northern Virginia and surrounding localities) may consider purchasing the property or making a proposal); however, she advised it might be advantageous to attain one (1) real estate agent to seek a buyer.

William L. Crigler asked if the Committee can be given the authority to perform this type of task.

V. R. Shackelford, III, County Attorney advised the Board that whatever concept is undertaken, a Public Hearing must be held before anything can be finalized.

James L. Arrington asked for clarification about the proposal that was presented by Susan Cable on behalf of the Criglersville School Committee.

Lisa Kelley, County Administrator advised the proposal considered raising the option for their Committee to find someone who was willing to do something with the property that may not necessarily involved the sale of the property – they'd like to find a way to make valuable usage of the property and allow the County to retain ownership.

James L. Arrington stated he feels the results provided by the Criglersville School Committee will give the Board another bit of information to assist in determining alternatives for the property – he also stated he gathered that Mrs. Cable proposed some individuals to act as agents on behalf of the Madison County Board of Supervisors in seeking alternatives for the property.

Chairman, Eddie Dean stated comments have been made that suggest the Criglersville School Committee may be seeking an operational budget to assist them in the operation of their Committee.

James L. Arrington wanted clarification to the fact that if the Board decides to market the property by a realtor, will the opportunity be open to any realtor or must only be one (1) selected.

Chairman, Eddie Dean advised no matter what realtor is selected, they will receive a fee from the purchaser of the property.

Lisa Kelley, County Administrator, verbalized concerns to the fact that if a local realtor lists the property on their multiple listings website and no funds are collected, can any realtor purchase the property listed.

Chairman, Eddie Dean stated the agent/agency that lists the property retains the listing fee – the seller retains the selling part; therefore, if there is no listing fee to list the property, then any realtor would more than likely act on the opportunity.

Chairman, Eddie Dean stated perhaps the County might be able to sign a non-listing agreement with Bud Kreh which will provide him the authority to advertise the property as a multiple listing.

In closing, Chairman, Eddie Dean advised the Criglersville School Committee be encouraged to proceed in the manner in which they seem best; however, the Board should not agree to any funding.

Lisa Kelley, County Administrator, advised the next time the Board scheduled a Public Hearing, there should be more than one option to discuss during that time; however, if there is a non-profit group who might be present and not in agreement with the future sale of the structure and desire alternative uses, then a proposal should be brought along and be presented to the designated realtor in charge of listing the property – she feels this will alleviate the need to continue to hold a Public Hearing to simply "discuss" options.

Bob Miller suggested the Board established a time frame in which to have something concrete on the table.

Chairman, Eddie Dean advised that a survey be performed first before any definitive conclusions are made regarding the facility.

James L. Arrington stated the Board will have to do something about the polling situation in Criglersville as conditions were very inadequate during the most recent election (i.e. voters were standing in the roadway).

Chairman, Eddie Dean stated that is a concern for the Madison Electoral Board to take care of; however, he advised the Madison County Board of Supervisors can make a recommendation to the Madison County Electoral Board to look at a different site in which to hold future elections.

Bob Miller verbalized concerns as to the Board having been told the Criglersville Elementary School could only be utilized as an educational facility and whether this is the absolute fact or just circumstantial.

Chairman, Eddie Dean stated there are guidelines that pertain to non-conforming usage – the facility was utilized as a school for over thirty (30) years. In closing, he questioned whether this can be reinstated in some manner.

V. R. Shackelford, III, County Attorney, commented on guidelines stated in the County's Ordinance that pertains to usage – he stated the structure is categorized as "A-1."

William L. Crigler commented about the Department of Drinking Water send correspondence about the water at the Criglersville Elementary School.

Lisa Kelley, County Administrator, advised there was information composed by Andy Mank (former Capital Projects Coordinator) that was passed along to each Board member pertaining to all the studies and information regarding Criglersville Elementary School.

Bob Miller stated the uses the Board looked at all required the structure to be brought up to standard code; he also stated the Board doesn't seem to have done an expert job with communicating to the community what has been done with regard to the Criglersville Elementary School and this needs to be done.

V. R. Shackelford, III, County Attorney, reminded the Board of a past meeting during which time Andy Mank (former Capital Projects Coordinator) indicated the Criglersville Elementary School would require so much work to bring it up to standard code that it might be more feasible to allow a private individual to purchase the structure.

Chairman, Eddie Dean stated he believed that Andy Mank also felt the local government would never be able to do some of the things with the structure that a private individual would be able to do and not have to comply with all the ADA requirements.

Lisa Kelley, County Administrator, indicated there must still be something on paper for the citizens to read with regard to alternatives the County has sought for the structure and what it will cost to make prepare the structure to be utilized in "said"

manner – this may be the best manner in which to convince citizens the best option is to sell the facility. She stated this information is already compiled in an analysis which includes a dollar figure.

Bob Miller also advised if the County is looking to utilize a realtor, there must be some statements made regarding asbestos, lead paint and other chemicals that may cause an explosion in the structure.

James L. Arrington suggested the Board flush out what the County's responsibility is in giving notice of any of the aforementioned concerns.

Lisa Kelley, County Administrator, stated the age of the facility will also provide reasons for concerns over issues related to the structure.

Chairman, Eddie Dean suggested that V. R. Shackelford, III, County Attorney, and Lisa Kelley, County Administrator, talk with Bud Kreh to determine what will be required from the County to list the property and report back to the Board.

Lisa Kelley, County Administrator, indicated that Bud Kreh is on the list of proposed Criglersville School Committee members.

James L. Arrington also asked V. R. Shackelford, III, County Attorney, to advise what the County's responsibility will be as the "public body" in regards to any findings of asbestos, etc.

Lisa Kelley, County Administrator, advised that any potential buyers be provided with the information the County has attained on the property and structure a contract to give the potential buyer a study period – the County should not make any representation of knowing the potential buyer's intentions for the property and allow the potential buyer to perform their own investigation for the next three (3) to six (6) months; however, during that period if the potential buyer decide the property does not suit their future needs, the deal is null and void.

Bob Miller asked how the County would determine how much a property of this size is generally sold for.

Lisa Kelley, County Administrator, suggested the Board look at the insured value of the property as a basis for sale.

V. R. Shackelford, III, County Attorney, suggested the reassessed value be a basis figure.

Chairman, Eddie Dean advised when the Board prepared the proposal for the work on the Hoover Ridge Ball fields, there was a unit price sought for the irrigation at the property; however, after looking at the project, it appears there will be a need for 2,000 linear feet of irrigation pipe at the site, which will cost about \$30,000.00 to provide.

Lisa Kelley, County Administrator, advised the Board has already budgeted \$14,500.00 for the irrigation pipe (contained in contract) but the additional footage will be needed.

Chairman, Eddie Dean stated this will eliminate the need for water hoses to be relocated to supply water to the fields.

Chairman, Eddie Dean then advised the Board the contract for the Hoover Ridge Ball fields did not include funding for seeding of the ball fields and surrounding areas. He advised if this was included in the bid, it would have run the bid up substantially and may have resulted in this type of work being done in an inadequate manner. Therefore, it was determined this portion of the work be deleted from the original bid for the almost fifteen (15) acres that will need to be seeded. He advised the cost will probably be about \$45,000.00 to \$50,000.00.

James L. Arrington asked if this issue could be discussed after the first of the year; however, Chairman, Eddie Dean advised the Board will need to make a decision quickly as the contractor is moving along with the project and will be ready to perform the work area in a few days.

Lisa Kelley, County Administrator, advised the additional waterline will end up saving the County some money whereas the seeding will automatically be watered.

Bob Miller asked where the additional funding would be taken from, to which Lisa Kelley, County Administrator, advised there was sufficient funding in the Capital Projects line item – she stated some adjustments will be needed to fund the additional reseedings of the fields.

Chairman, Eddie Dean stated there is funding in the Capital Improvement line item for improvements to several other County structures and also for Phase II of the Courthouse Project.

James L. Arrington stated this request is coming at a bad time as citizens are having much difficulty dealing with the property reassessment and greatly fear a tax increase.

William L. Crigler stated a tax increase can only depend on what funding the State provides to the County – most citizens need to be made aware of this factor. citizens who have complained to him about a tax increase have been inform

Chairman, Eddie Dean advised that if an increase is needed, it will be advertised over an equalized rate and the County will have to make a decision on the Land Use Program.

Bob Miller verbalized that it seems that land use is actually draining the County.

Lisa Kelley, County Administrator, stated the contractor has held the bidding price in place for the irrigation pipe; she also advised that funding for the seeding can be attained from several categories; however, future care will need to be taken should smaller projects crop up in the future.

After discussion, on motion of Clark Powers, seconded by Bob Miller the Board approved \$60,000.00 for seeding and irrigation of the Hoover Ridge Ball fields, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Nay
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

William L. Crigler asked whether there have been many applications for the upcoming vacancies on the Madison County Planning Commission.

Lisa Kelley, County Administrator, advised there have been several applications received.

William L. Crigler advised that he met with Bill Campbell; he has also stated that he'd like to meet with other Board members.

Lisa Kelley, County Administrator, stated that Mr. Campbell has met with her also to present concerns regarding the reassessment value process that was utilized during the recent assessment process.

James L. Arrington asked if it is the consensus of the Board to fill all the upcoming vacancies on the Madison County Planning Commission; he added he feels the membership is too large and should be reduced and reorganized.

With no further action being required by the Board, on motion of Clark Powers, seconded by James L. Arrington, Chairman, Eddie Dean adjourned the meeting, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Date: December 6, 2007